

FILED
Clerk
District Court

FEB - 3 2006

For The Northern Mariana Islands
By _____
(Deputy Clerk)

1 **LUJAN AGUIGUI & PEREZ LLP**
Attorneys at Law
2 300 Pacific News Building
238 Archbishop Flores Street
3 Hagåtña, Guam 96910
Telephone: (671) 477-8064
4 Facsimile: (671) 477-5297

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7 **IN THE UNITED STATES DISTRICT COURT**
8 **FOR THE**
9 **NORTHERN MARIANA ISLANDS**

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12 YU SUK CHUNG,
13 Plaintiff,
14 vs.
15 WORLD CORPORATION,
16 Defendant.

CIVIL CASE NO. 04-00001

AMENDED AND SUPPLEMENTAL *EX PARTE* MOTION OF DAVID J. LUJAN AND IGNACIO C. AGUIGUI FOR AN ORDER SEALING OPPOSITION BRIEF SUBMITTED FEBRUARY 2, 2006, FOR INSTRUCTIONS REGARDING SERVICE OF BRIEF ON PLAINTIFF'S COUNSEL, AND FOR RELIEF FROM THE COURT'S AMENDED ORDER OF JANUARY 26, 2006

Ex Parte Motion Under Local Rule 7.1.h.3(b)

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21 **MOTION AND CERTIFICATE PURSUANT TO LOCAL RULE 7.1.h.3(b)**

22 1. I am submitting this certificate in connection with this Amended and Supplemental
23 *Ex Parte* Motion of the undersigned and David J. Lujan for an Order Sealing Opposition Brief
24 Submitted February 2, 2006, For Instructions Regarding Service of Brief on Plaintiff's Counsel,
25 and For Relief from the Court's Amended Order of January 26, 2006.

26 2. This filing is meant to amend certain portions of our *Ex Parte* motion filed February
27 2, 2006, in which Mr. Lujan and I are moved the Court for an Order sealing our Opposition Brief
28 to World Corporation's Motion for Reconsideration, as well as the Declaration of David J. Lujan

1 and Ignacio C. Aguigui attached to the brief. It is also meant to supplement that motion by
2 seeking relief from the Court's Amended Order Shortening Time and Setting Status Conference
3 and Hearing issued on January 26, 2006.

4 3. In our February 2 *Ex Parte* Motion, I indicated that the we had caused copies of the
5 *Ex Parte* Motion to be served on Mr. Hanson and Mr. Thompson, a full copy of our opposition
6 brief to be served on Mr. Hanson, but only the cover page of our opposition brief to be served on
7 Mr. Thompson. To clarify matters, I was informed today that although the *Ex Parte* Motion and
8 Opposition were placed in the Court's drop-box in the late afternoon/early evening yesterday
9 (February 2), such copies were not served on those attorneys until early this morning, February 3,
10 2006 (between 9:00-9:30 a.m.) because of clerical delays yesterday in transmitting the brief from
11 Guam to Saipan and in securing assistance in assembling, filing, and serving the documents. Mr.
12 Lujan and I do not maintain law offices in Saipan, and therefore had previously relied on the
13 assistance of Mr. Gregory's office in assembling, filing, and serving documents, while we served
14 as co-counsel in this case. However, because Mr. Gregory is no longer actively in private
15 practice and is no longer associated with us as our local counsel in these proceedings, whatever
16 assistance we receive from clerical staff at this time is given to us as a matter of courtesy and
17 based on their priorities. Accordingly, I was informed by the secretary of Mr. Gregory's former
18 firm, that our documents were not processed for filing and service until the late afternoon/early
19 evening of February 2, and that she could not serve the documents on Mr. Thompson and Mr.
20 Hanson because their offices were closed at that time. Accordingly, in light of the above, to the
21 extent the Court deems it necessary, we ask the Court for dispensation and relief from its
22 Amended Order of January 26, 2006, and ask the Court to accept and consider our Opposition
23 brief as timely submitted in connection with its anticipated ruling and hearing on World
24 Corporation's pending motion for reconsideration.¹

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26 ¹ Just this afternoon, we had received a copy of the Court's order of February 3, 2006,
27 allowing our opposition brief to be filed under seal pending decision on our February 2 *Ex Parte*

(Footnote continues on following page.)

4. In anticipation of possible delays in the processing and submission of this amended and supplemental *ex parte* motion, we will fax this motion to the following counsel on this day, and will attempt to have them personally served through the secretary of Mr. Gregory's former firm as soon as she is able to do so:

Mark B. Hanson, Esq.
1st Floor, Macaranas Bldg.
PMB 738, P.O. Box 10,000
Saipan, MP 96950
Tel. (670) 233-8600
Fax: (670) 233-5262
Counsel for World Corp.


Colin M. Thompson, Esq.
J.E. Tenorio Bldg.
PMB 917, P.O. Box 10,001
Saipan, MP 96950
Tel. (670) 233-0777
Fax: (670) 233-0776
Counsel for Yu Suk Chung

Robert T. Torres,
P.O. Box 503758 CK
Saipan, MP 96950
Tel. (670) 234-7859
Fax (670) 234-5749
Counsel for Yu Suk Chung

Mr. Gregory will also receive a copy of this document.

RESPECTFULLY SUBMITTED this 3rd day of February, 2006.

**DAVID J. LUJAN, ESQ.
IGNACIO C. AGUIGUI, ESQ.
LUJAN AGUIGUI & PEREZ LLP**

By: 
IGNACIO C. AGUIGUI, ESQ.

(Footnote continued from previous page)

motion. The Court instructed us to serve the Opposition on Mr. Thompson and Mr. Robert Torres. I have been informed by the secretary of Mr. Gregory's former firm that she has done so.